

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE VEECO INSTRUMENTS INC. :  
SECURITIES LITIGATION : 05 MD 1695 (CM)(GAY)  
:  
----- x  
THIS DOCUMENT RELATES TO: :  
ALL ACTIONS :  
:  
----- x

**DECLARATION OF J. ROSS WALLIN IN SUPPORT OF DEFENDANTS'  
OPPOSITION TO LEAD PLAINTIFF'S MOTION TO VACATE AND REVERSE  
THE DISCOVERY ORDER OF MAGISTRATE JUDGE GEORGE A. YANTHIS**  
**DATED JANUARY 24, 2007**

**REDACTED**

**(ORIGINAL NON-REDACTED VERSION FILED UNDER SEAL PURSUANT TO  
CONFIDENTIALITY ORDER DATED MAY 16, 2006)**

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*Attorneys for Defendants Veeco Instruments Inc.,  
Edward H. Braun, John F. Rein, Jr. and John P.  
Kiernan*

February 21, 2007

J. ROSS WALLIN declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, as follows:

1. I am a lawyer with the law firm of Gibson, Dunn & Crutcher LLP, counsel to Defendants Veeco Instruments Inc., Edward H. Braun, John F. Rein, Jr., and John P. Kiernan in this action.

2. Attached hereto as Exhibit A is a true and correct copy of the **REDACTED**

**REDACTED**

3. Attached hereto as Exhibit B is a true and correct copy of Minutes of the Meeting of the Audit Committee of the Board of Directors of Veeco Instruments Inc. dated January 17, 2005.

4. Attached hereto as Exhibit C is a true and correct copy of Objections and Responses by Defendant Veeco Instruments Inc. to Lead Plaintiff's First Set of Interrogatories, dated September 5, 2006.

5. Attached hereto as Exhibit D is a true and correct copy of Objections and Responses by Defendants to Lead Plaintiff's Requests for Admission and Second Set of Interrogatories and Second Request for the Production of Documents to Defendants, dated January 31, 2007.

Executed on February 21, 2007



J. Ross Wallin